

CITY OF BRAWLEY
September 6, 2011

The City Council of the City of Brawley, California met in a regular meeting at 6:00 PM, Council Chambers, 383 Main Street, Brawley, California, the date, time and place duly established for the holding of said meeting. The City Clerk attests to the posting of the agenda pursuant to G.C. §54954.2.

The meeting was called to order by *Mayor Campbell* @ 6:02 PM

The invocation was offered by *Mayor Campbell*

The pledge of allegiance to our flag was led by *CM Nava*

PRESENT: Campbell, Couchman, Kelley, Miranda, Nava

ABSENT: None

APPROVAL OF AGENDA

The agenda was *approved* as amended. m/s/c Miranda/Nava 5-0

Item 4-c Approve Amendment No. 1 to contract with Lee and Ro, Inc. for additional consulting engineering services, inspection and construction support and inspection services associated with the Wastewater Treatment Plant Improvements *was moved from consent agenda to regular business for discussion and approval.*

Item 4-d Request Fire Chief permission to travel to Sacramento, CA to participate in the induction of the names of two (2) Brawley Firefighters onto the Firefighters Memorial Wall on October 1, 2011. Flags will be presented to both families *was moved from consent agenda to regular business for discussion and approval.*

Item 4-e Select STK Architecture, Inc. for the preparation of plans, specifications, and cost estimates for the Brawley Emergency Operations Center (EOC) *was moved from consent agenda to regular business for discussion and approval.*

AYES: Campbell, Couchman, Kelley, Miranda, Nava

NAYES: None

ABSTAIN: None

ABSENT: None

1. PUBLIC APPEARANCES/COMMENTS

William Levitt stated he was pulled over for talking on his cell phone when he wasn't. He indicated the Police Officer was rude and wasted time trying to give me citation. I showed the officer proof that I was not on the cell phone by showing the call log. Brawley Police Officers spend too much time focusing on giving citations and not on graffiti and criminal issues.

2. PROCLAMATION/PRESENTATIONS

a. PROCLAMATION PRESENTED TO ADELANTE VALLE A WEEKLY NEWSPAPER.

Mayor Campbell presented a proclamation to Arturo Bojorquez, of Adelante Valle for ten years of operation.

Arturo Bojorquez mentioned that after September 15th the Adelante newspaper will be free to the public. It has local entertainment stories, sports and news. Between 2,500 - 3,000 will be provided throughout the valley.

CM Miranda stated that Adelante Valle is good for Spanish and non-Spanish speaking people.

b. "911 TRIBUE" SCHEDULED FOR SEPTEMBER 11, 2011 @ 6:00 PM @ THE VETERAN'S WALL PLAZA PARK-LEE QUARCELINO, BRAWLEY VETERANS WALL COMMITTEE.

Lee Quarcelino, invited everyone to the Brawley Veterans Wall Plaza Park area for a tribute to the 911 victims. It will take place on Sunday, September 11, 2011 @ 6:00 PM. There will be several speakers and conclude with a candlelight vigil.

c. "GROUND BEEF EXPANSION PROJECT" AND NATIONAL BEEF UPGRADES – BRIAN WEBB, VICE PRESIDENT.

Brian Webb Vice President of National Beef gave a power point presentation on the Ground Beef Expansion Project and National Beef Upgrades. He also stated he wants to continue working with the City and is working on better communication.

CM Kelley asked about the status on permits with the County? *Answer:* The permits are in process with the County and we are meeting with Planning Commission tomorrow. (*Webb*)

Mr. Webb mentioned that some of the citizens' complaints or concerns are about the aroma around the beef plant. We have spent tons of money for a system to control the smell.

3. DEPARTMENT REPORTS

PWD Arellano announced that Pioneer's Memorial Hospital Board will be teaming up with the City for a grant application.

LD Mello announced that Brawley Public Library started winter hours.

FC Contreras stated that firemen designed t-shirts for the victims that lost their lives on 9/11 and his department will be wearing those shirts for the month of September.

4. CONSENT AGENDA

The consent agenda was ***approved*** as followed: m/s/c Miranda/Couchman 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

- a. ***Approval*** City Council Minutes: June 7, June 20, June 21, June 27, July 5, July 19, July 26, August 1, August 12, August 13, August 17, and August 23, 2011.
- b. ***Approval*** of Accounts Payable Registers: August 18, August 25, and August 26, 2011.
- c. ***Approval*** to approve designating the Brawley Chamber of Commerce as a city-permitted sponsor allowing them to sell alcohol during Cattle Call Week for Queen Coronation Banquet 10-15-2011, Chili Cook-Off 11-05-2011, Dia de la Familia 11-06-2011 and Mariachi Festival 11-09-2011.
- d. ***Approve*** 2nd Reading of Ordinance No. 2011-05: Ordinance of the City Council of the City of Brawley, California electing to participate in the alternative voluntary redevelopment program pursuant to California Health and Safety Code Sections 34192, et. seq. (ABX1 27), subject to certain conditions and reservations.
- e. ***Reject*** claim as recommended by Carl Warren & Company Insurance Management Claims Adjusters: ***Michael Triqueroz & Nationwide Company (subro Kimberly Cole)***
- f. ***Adopt*** Resolution No. 2011-40: Resolution of the City Council of the City of Brawley, California approving the destruction of certain Finance Department records, documents and papers, pursuant to Sections 34090 of the Government Code of the State of California.
- g. ***Approve*** the accrual of annual leave accumulation above maximum allowed by contract until City Manager position filled.
- h. ***Approve*** Resolution No. 2011- 41: Resolution of the City Council of the City of Brawley, California amending Resolution No. 97-37 amending the Bernardo Padilla Subdivision Assessment District for 2011-2012.

5. REGULAR BUSINESS

- a. **APPROVE AMENDMENT NO. 1 TO CONTRACT WITH LEE AND RO, INC. FOR ADDITIONAL CONSULTING ENGINEERING SERVICES, INSPECTION AND CONSTRUCTION SUPPORT AND INSPECTION SERVICES ASSOCIATED WITH THE WASTEWATER TREATMENT PLANT IMPROVEMENTS.**

Mayor Campbell asked when the completion date is. *Answer:* Construction completion by December 31, 2011 and activated by June 1, 2012. (*Arellano*)

The council *motioned* to approve Amendment No. 1 to the contract with Lee and Ro, Inc. for additional consulting engineering services, inspection and construction support and inspection services associated with the Wastewater Treatment Plant Improvements. m/s/c Campbell/Kelley 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

b. REQUEST FIRE CHIEF PERMISSION TO TRAVEL TO SACRAMENTO, CA TO PARTICIPATE IN THE INDUCTION OF THE NAMES OF TWO (2) BRAWLEY FIREFIGHTERS ONTO THE FIREFIGHTERS MEMORIAL WALL ON OCTOBER 1, 2011. FLAGS WILL BE PRESENTED TO BOTH FAMILIES.

FC Contreras stated that he was requesting to attend a ceremony in Sacramento for the two (2) Brawley firefighters who will be inducted into the California Firefighters Memorial Wall.

CM Kelley asked who are the two (2) firefighters being honored? *Answer:* Lt. James Rose and Capt. Mark Franks. (*Contreras*)

CM Kelley asked if the families were attending. *Answer:* Families of the fallen firefighters were also invited and I believe they will be attending. (*Contreras*)

CM Kelley stated that hopefully we get to invite the families to our Fire Station No. 2 dedications.

The council *motioned* to approve permission to the Fire Chief to travel to Sacramento, CA to participate in the induction of the names of two (2) Brawley Firefighters onto the Firefighters Memorial Wall on October 1, 2011. m/s/c Kelley/Nava 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

c. SELECT STK ARCHITECTURE, INC. FOR THE PREPARATION OF PLANS, SPECIFICATIONS, AND COST ESTIMATES FOR THE BRAWLEY EMERGENCY OPERATIONS CENTER (EOC).

CM Kelley asked if STK was the ones that did the design for Fire Station No. 2 and do us have the funds to continue. *Answer:* What we are asking to is to continue with them for the EOC preparations. (*Arellano*)

The council ***motioned*** to approve the selection of STK Architecture, Inc. for the preparation of plans, specifications, and cost estimates for the Brawley Emergency Operations Center (EOC).
m/s/c Kelley/Nava 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

d. REQUESTING DIRECTION FROM COUNCIL TO PROCEED AND SUBMIT FOR THE 2011 AFG GRANT, THIS WILL BE FOR A RESCUE SQUAD EQUIPPED WITH RESCUE EQUIPMENT BEING SOUGHT, THE TOTAL AMOUNT REQUESTED IS FOR \$159,864.45 AND THE CITY'S MATCH IS AT 10% WHICH AMOUNTS TO \$15,986.45.

FM Peraza stated he was requesting direction from Council if to proceed and submit for the 2011 AFG grant.

CM Couchman asked where was the match coming from? ***Answer:*** I spoke to the FD Walla and she stated its coming out of the general funds under impact fees. (***Peraza***)

CM Kelley asked if could use transportation funds to pay for the matching funds? ***Answer:*** No. (***Walla***)

CM Kelley asked if the funds are for training and equipment. ***Answer:*** Yes. (***Peraza***)

The council ***motioned*** to approve submittal for the 2011 AFG Grant for a rescue squad equipped with rescue equipment being sought. The total amount requested is \$159,864.45 and the City's match is at 10% which amounts to \$15,986.45. m/s/c Miranda/Campbell 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

e. DISCUSSION/UPDATE ON UTILITY USERS TAX.

ICM Gillmore mentioned that he brought this forward to show the public what the Utility Users Tax does for the City.

CM Miranda stated that those Council Members involved are on their own as citizens to support the measure and not as a Council Members.

PR & D Morgan stated there is "100 days of summer and we had 1,000 participants. We had 750 kids a day in our summer program and 250 using parks for sports and events.

LD Mello presented a power point presentation and mentioned she had 200 children a week for the Summer Reading Program.

CM Kelley asked if for the LAMBS project you can use Prop 10 additional funds. **Answer:** No, those funds have been cut by the state to the county funding commission and our literacy funds have been cut by \$30,000. (*Mello*)

f. DISCUSSION/ACTION ON DOWNTOWN SPECIFIC PLAN.

PD Gaste stated we adopted the Specific Plan but it did not have the environmental yet, we found out on Thursday that we received an award on the design from another organization.

ICM Gillmore did we get any funds? **Answer:** No. (*Gaste*)

PD Gaste stated there was going to be a conference in October from the 12 through 14 where an award will be presented on October 13 during a luncheon if anyone is wishing to attend let me know.

FD Walla stated that in order to continue with the next step of the plan, the Interim City Manager and Planning Director looked at the budget and cash flow. For fiscal year 2010-2011 there was \$457,000 less used than anticipated.

ICM Gillmore mentioned that all of these numbers are for the cost and are at a high estimate.

CM Nava asked what the benefits are. **Answer:** The Zoning Ordinance allows parking setbacks and helps the developer meet the zoning requirements. (*Gaste*)

CM Couchman asked if this was really needed \$153,663 part of what we didn't spend of the 400,000. **Answer:** No, that is separate. (*Walla*)

CM Nava stated that we should wait till after the November election.

PD Gaste mentioned that it can wait until early next year but not longer than that as the report will be outdated by then and a new one would be needed.

Mayor Campbell stated that he doesn't have a problem waiting till after the election.

CM Kelley mentioned spending this money now can cause some constraints.

FD Walla mentioned that there was also \$2million in relinquishment funds.

CM Couchman stated that he has concerns on spending money from State and RDA funds.

The council ***motioned*** to move this item till after the election in November possibly the first meeting in December. m/s/c Campbell/Miranda 5-0

g. ADOPT RESOLUTION NO. 2011- : RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA APPOINTING MEMBERS TO FILL TERMS ON THE AIRPORT COMMISSION, PLANNING COMMISSION AND TENANT COMMISSIONER FOR IMPERIAL VALLEY HOUSING AUTHORITY.

The council ***motioned*** to move this item till the next meeting. m/s/c Campbell/Miranda 5-0

h. DISCUSSION/ACTION ON DISSOLUTION OF BEDC – ALLOW BRAWLEY CHAMBER OF COMMERCE TO USE THE CITY PORTION OF REMAINING ACCOUNT BALANCE.

Ron Hull Executive Director of the Brawley Chamber of Commerce stated that in June of 2011 the Brawley Chamber of Commerce voted to disband the Brawley Economic Development Commission. The agreement with the City of Brawley and BEDC was required to return half of the remaining funds to the City; we are requesting to use the remaining funds of \$5,400 for a new sign at the Chamber of Commerce as well as to recreate a garden just outside the Chamber office. The new garden will be of gypsum and featured desert plants.

CM Couchman asked when do you anticipate all this done and in place? ***Answer:*** Green Patch Nursery will be working on this but I don't know the timeframe. (***Hull***)

The council ***motioned*** to allow the Brawley Chamber of Commerce to use the city's portion of remaining account balance. m/s/c Nava/Miranda 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

i. APPROVAL TO FILL TWO (2) VACANT POSITIONS AT PUBLIC WORKS AND POLICE DEPARTMENT.

ICM Gillmore stated that this was supposed to be placed on consent agenda but it was placed under regular business as a mistake. We are requesting approval to fill two (2) vacant positions; it's to fill a resignation of a Police Office and the termination of a Public Works position.

CM Miranda asked if these positions pertain to those that were frozen. ***Answer:*** No. (***Gillmore***)

CM Kelley stated that this needs to be under regular business since we have hiring freeze.

The council ***motioned*** to approve two (2) vacant positions in the Police Department and Public Works. m/s/c Couchman/Miranda 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

j. DISCUSSION/ACTION ON MOVING DATE OF NEXT REGULAR CITY COUNCIL MEETING SCHEDULED FOR SEPTEMBER 20, 2011 MOVED TO SEPTEMBER 19, 2011 DUE TO THE ANNUAL LEAGUE OF CITIES CONFERENCE IN SAN FRANCISCO, CALIFORNIA STARTING SEPTEMBER 21-23, 2011.

Mayor Campbell stated there was going to be a conflict with the regular City Council Meeting scheduled for September 20th with an upcoming Annual League of Cities Conference; we are looking to moving the meeting to September 19th.

CA Morita mentioned that the Council has the authority to adjourn meeting to any date.

The council *motioned* to move date of next regular City Council Meeting scheduled for September 20, 2011 to September 27, 2011. m/s/c Miranda/Kelley 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

RECESSED TO CRA @ 7:53 PM

RECONVENED TO CITY COUNCIL @ 7:55 PM

6. RECONVENE TO COMMUNITY REDEVELOPMENT AGENCY

a. ADOPT RESOLUTION NO. 2011-02: RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF BRAWLEY, CALIFORNIA AUTHORIZING INVESTMENT OF BRAWLEY COMMUNITY REDEVELOPMENT AGENCY MONIES IN LOCAL AGENCY INVESTMENT FUND.

Staff Report - Ruby Walla, Finance Director

This is just to update the names.

The CRA *motioned* to adopt Resolution No. 2011-02: Resolution of the Community Redevelopment Agency (CRA) of the City of Brawley, California authorizing investment of Brawley Community Redevelopment Agency Monies In Local Agency Investment Fund. m/s/c Kelley/Couchman 5-0

AYES: Campbell, Couchman, Kelley, Miranda, Nava
NAYES: None
ABSTAIN: None
ABSENT: None

7. COUNCIL MEMBER REPORTS

- a. **CM Miranda** passed out a flyer on vehicle abatement and stated that when he voted on this I asked about older and classic vehicles and it was said that it would not apply. I received a call that a letter was giving to a resident with a resolution for vehicles that are abandoned, the lady that was contracted was hostile and rude to the resident. The resident said she has a \$300.00 administration fine.

CA Morita stated that the ordinance the City approved was consistent with the other cities in the valley a contract was entered with a company to do this abatement.

CM Couchman mentioned that we need to look into this issue and look at the company contract. I have a problem with the way they are taking care of this.

Eric Reyes of Brawley stated that 72 hours is not enough time to appeal the notice. We need to have notices in English and Spanish. The County gives 30 days.

BO Soto said the ordinance approval process had to fit the other cities contractor and if we change the ordinance then we probably can't use the same contractor.

CM Campbell mentioned that we need to bring this back to council for review and make changes if necessary.

- b. **CM Nava** stated he introduced the new City Manager Rosanna Bayon Moore to the Brawley Chamber of Commerce Board, the Film Commission has a shoot out in the Glamis area.
- c. **Mayor Campbell** said he attended a Pioneer's Memorial Hospital event and is looking forward to the 911 Memorial Service.

8. INTERIM CITY MANAGER REPORT

- a. **ICM Gillmore** mentioned that he appreciated the Council and staff for being supportive while he served as Interim City Manager.

CM Nava thanked the Chief for the transition.

9. ADJOURNED TO CLOSED SESSION

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY.

None to report

ADJOURNMENT @ 8:20 PM

Alma Benavides